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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,747	02/06/2001	Joseph Roger Bourget	5962-A-2	4250

7590 05/10/2002
CAHILL, SUTTON & THOMAS P.L.C.
Att: Marvin A. Glazer
155 Park One
2141 East Highland Avenue
Phoenix, AZ 85016

EXAMINER

ROYAL, PAUL

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,747

Applicant(s)

BOURGET, JOSEPH ROGER

Examiner

Paul Royal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6 February is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nesbit (US3,954,145).

Nesbit teaches a motorcycle having a transmission system that accommodates an enlarged rear tire, the motorcycle comprising in combination:

a support frame (SF, see Examiner's annotated Figure 1) for supporting a rider, the support frame extending along a longitudinal axis between opposing front and rear ends;

a rear wheel (28) rotatably coupled to the rear end of the support frame, the rear wheel including a rear wheel drive gear (32) for applying torque to the rear wheel, the rear wheel drive gear (32) extending substantially in a first vertical plane spaced apart from the longitudinal axis of the support frame by a first offset distance;

an engine (10) mounted to the support frame for generating a turning force to propel the motorcycle;

a transmission (14) mounted to the support frame and coupled to the engine (10) for selectively coupling the turning force generated by the engine to a transmission output gear (14), the transmission output gear (14) extending substantially in a second

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vertical plane spaced apart from the longitudinal axis of the support frame by a second offset distance, the second offset distance being smaller than the first offset distance;

an intermediate shaft rotatably secured to the support frame, the intermediate shaft including a power input gear (18) extending substantially in said second vertical plane spaced apart from the longitudinal axis of the support frame by said second offset distance, said intermediate shaft also including a power output gear (22) that rotates together with the power input gear (18), the power output gear extending substantially in said first vertical plane and spaced apart from the longitudinal axis of the support frame by the first offset distance;

wherein the intermediate shaft is rotatably secured to the support frame by a bearing assembly (35);

a first drive belt (50) coupling the transmission output gear (14) to the power input gear (18) of the intermediate shaft (20);

a second drive belt (53) coupling the power output gear (22) of the intermediate shaft (20) to the rear wheel drive gear(32); and

wherein the center mass of the engine and the transmission are located along the longitudinal support axis of the support frame.

For claim 3, note the drive belts of Nesbit have a toothed inner surface and the mating gears are also toothed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nesbit (US 3,954,145), as applied to claim 1, in view of Riccitelli (US 4,585,087).

Nesbit, as applied to claim 1, teaches all the claim limitations except wherein the drive belts are chains and the gears are sprockets that engage the drive belt chains.

Riccitelli teaches the use of drive belts which are chains and the gears are sprockets that engage the drive belt chains to provide an improved motorcycle drive conversion unit (see column 2, lines 22-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motorcycle of Nesbit to include the use of drive belts which are chains and the gears are sprockets that engage the drive belt chains, as taught by Riccitelli to provide an improved motorcycle drive conversion unit.

Note where Riccitelli primarily teaches replacing chain drive units with belt drive units, Riccitelli is understood to teach the interchangeability of drive belts and chains.

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nesbit (US 3,954,145), as applied to claim 1, in view of Thurm (US 5,487,443).

Nesbit, as applied to claim 1, teaches all the claim limitations except wherein the motorcycle support frame includes a tail frame portion.

Thurm teaches a motorcycle support frame including a tail frame portion (14) for supporting the rear wheel, the tail portion being pivotally secured to the support frame (12) about a tail pivot axis, and the rear wheel being rotatably secured to the tail frame portion to provide improved riding and handling characteristics.

It would have been obvious to modify the motorcycle of Nesbit to include a motorcycle support frame including a tail frame portion for supporting the rear wheel, the tail portion being pivotally secured to the support frame about a tail pivot axis, and the rear wheel being rotatably secured to the tail frame portion, as taught by Thurm, to provide improved riding and handling characteristics.

Note, the intermediate shaft of Nesbit is rotatably securable to the support frame and the alignment of the intermediate shaft to rotate about an axis that is coincident to the tail frame pivot axis would be a matter of design choice.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goodridge teaches a gyro-controlled motorcycle. Hanagan teaches motor mount for an electric powered motor cycle. Wheaton teaches a motorized bicycle conversion apparatus. Lacroix teaches an electrically propelled two-wheeled vehicle. Omori teaches a rear suspension for a motorcycle. Yang teaches a

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multiple wheeled cycle. Jurrens teaches a motorcycle air bag suspension system.

Crosby, Jr. teaches a motorcycle suspension system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570.

The examiner can normally be reached on 8:30-4:30.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


P. Royal
May 5, 2002

Paul Royal
Examiner
Art Unit 3611


ERIC CULBRETH
PRIMARY EXAMINER

5/6/02